

[Fourth Reprint]

ASSEMBLY, No. 3186

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED SEPTEMBER 13, 2004

Sponsored by:

Assemblyman HERBERT CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblyman ROBERT J. SMITH

District 4 (Camden and Gloucester)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Co-Sponsored by:

**Assemblyman Chivukula, Assemblywoman Weinberg, Assemblymen
Johnson, Azzolina, Stack, Connors and Senator Lesniak**

SYNOPSIS

Reorganizes NJSPCA and county societies for the prevention of cruelty to animals.

CURRENT VERSION OF TEXT

As reported by the Senate Economic Growth Committee on December 12, 2005, with amendments.

(Sponsorship Updated As Of: 1/6/2006)

1 AN ACT concerning the prevention of cruelty to animals,
 2 supplementing chapter 22 of Title 4 of the Revised Statutes,
 3 ⁴[amending R.S.4:22-13, R.S.4:22-26, and R.S.4:22-55,]⁴ and
 4 ⁴amending and⁴ repealing various parts of the statutory law.

5
 6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 7 *of New Jersey:*

8
 9 1. (New section) As used in this chapter:

10 "Agent" means a member duly appointed as an agent by the board
 11 of trustees of a county society for the prevention of cruelty to animals
 12 or ²of² the New Jersey Society for the Prevention of Cruelty to
 13 Animals, who, upon recommendation of the Chief ²Humane² Law
 14 Enforcement Officer of a county society for the prevention of cruelty
 15 to animals or the New Jersey Society for the Prevention of Cruelty to
 16 Animals, ²[and upon completion of an appropriate course of training,
 17 other than a firearms training course, approved by the Police Training
 18 Commission,]² is empowered ²to issue summons and direct humane
 19 law enforcement officers² to make arrests and enforce all laws and
 20 ordinances enacted for the protection of animals, and to investigate
 21 alleged acts of cruelty to animals;

22 ²["Law] "Humane law² enforcement officer" means an agent
 23 authorized ³and appointed³ by the board of trustees of a county
 24 society for the prevention of cruelty to animals or ²of² the New Jersey
 25 Society for the Prevention of Cruelty to Animals ³, and duly
 26 commissioned by the Superintendent of State Police in accordance
 27 with the provisions of sections 9 and 10 of P.L. , c. (C.) (now
 28 before the Legislature as this bill).³ to possess, carry, or use a firearm
 29 while enforcing any law or ordinance for the protection of animals
 30 while on duty or on call, and who has satisfactorily completed the
 31 firearms training course approved by the Police Training Commission
 32 and other qualifications and training courses required pursuant to
 33 ²[section 8 or section 4, as appropriate, of]² P.L. , c. (C.)
 34 (now before the Legislature as this bill); and

35 "Member" means a person who has been granted membership in a
 36 county society for the prevention of cruelty to animals or the New
 37 Jersey Society for the Prevention of Cruelty to Animals.

38

39 2. (New section) a. ¹(1)¹ The New Jersey Society for the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAN committee amendments adopted November 4, 2004.

² Assembly floor amendments adopted February 24, 2005.

³ Assembly floor amendments adopted May 16, 2005.

⁴ Senate SEG committee amendments adopted December 12, 2005.

1 Prevention of Cruelty to Animals is continued as a parent corporation
 2 for the purposes of coordinating the functions of county societies for
 3 the prevention of cruelty to animals, and of promoting the interests of,
 4 protecting and caring for, and doing any and all things to benefit or
 5 that tend to benefit animals. The New Jersey Society for the
 6 Prevention of Cruelty to Animals shall be governed by a board of
 7 trustees consisting of 15 ⁴[members] persons, of whom 12 shall be
 8 members⁴ of the society elected ¹[annually]¹ by the membership
 9 thereof ⁴and three shall be persons appointed by the Governor with the
 10 advice and consent of the Senate⁴ . ¹Each trustee shall serve a term
 11 of ²[three] six² years, except as provided otherwise pursuant to
 12 paragraph (2) of this subsection.¹ Of ⁴[those 15] the 12 elected⁴
 13 trustees, at least one shall also be a member of a county society for the
 14 prevention of cruelty to animals in the northern part of the State, at
 15 least one shall also be a member of a county society for the prevention
 16 of cruelty to animals in the central part of the State, and at least one
 17 shall also be a member of a county society for the prevention of cruelty
 18 to animals in the southern part of the State.

19 For the purposes of this ¹[subsection] paragraph¹ : "northern"
 20 ²[shall mean] means² the counties of Bergen, Essex, Hudson, Morris,
 21 Passaic, Sussex, or Union; "central" ²[shall mean] means² the counties
 22 of Hunterdon, Mercer, Middlesex, Monmouth, Somerset, or Warren;
 23 and "southern" ²[shall mean] means² the counties of Atlantic,
 24 Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or
 25 Salem.

26 ¹(2) Notwithstanding any provision of paragraph (1) of this
 27 subsection to the contrary, every trustee on the board governing the
 28 New Jersey Society for the Prevention of Cruelty to Animals on the
 29 day before the date of enactment of P.L. , c. (C.) (now before
 30 the Legislature as this bill) shall complete the remainder of ⁴[their] the
 31 trustee's⁴ respective assigned ⁴[terms] term⁴ on the board created
 32 pursuant to paragraph (1) of this subsection.¹

33 b. The board of trustees of the New Jersey Society for the
 34 Prevention of Cruelty to Animals shall prepare an annual report
 35 concerning the law enforcement activity of the New Jersey Society for
 36 the Prevention of Cruelty to Animals and the county societies, and
 37 shall submit the report for each calendar year by June 1 of the next
 38 following calendar year to the ²[State]² Attorney General and ²the
 39 Legislature, and shall² make the report available to the public upon
 40 request.

41 c. ²[No person who has been convicted of a crime may be a
 42 trustee, officer, or law enforcement officer or agent of, or hold any
 43 other position of authority within, the New Jersey Society for the
 44 Prevention of Cruelty to Animals or any county society.] The New
 45 Jersey Society for the Prevention of Cruelty to Animals shall submit

1 quarterly to the Attorney General statistical information concerning its
2 law enforcement activity during that period, on a form developed in
3 conjunction with the Attorney General.²

4
5 3. (New section) Within 120 days after the effective date of
6 P.L. , c. (C.) (now before the Legislature as this bill), the board
7 of trustees of the New Jersey Society for the Prevention of Cruelty to
8 Animals shall meet to establish bylaws and uniform standards and
9 guidelines that are consistent with the provisions of Title 15A of the
10 New Jersey Statutes as shall be necessary for the governance and
11 operation of the New Jersey Society for the Prevention of Cruelty to
12 Animals and the county societies for the prevention of cruelty to
13 animals.

14
15 4. (New section) The board of trustees of the New Jersey Society
16 for the Prevention of Cruelty to Animals shall:

17 a. Establish any bylaws or regulations as may be deemed necessary
18 for governance and operation of the New Jersey Society for the
19 Prevention of Cruelty to Animals;

20 b. Promote the interests of, and protect and care for, animals
21 within the State;

22 c. Have the authority to grant county society for the prevention of
23 cruelty to animals charters for the formation of county societies for the
24 prevention of cruelty to animals in a county;

25 d. Have the authority, upon a majority vote of the board of
26 trustees, to revoke, cancel, or suspend the charter of a county society
27 for the prevention of cruelty to animals for the cause of failing to
28 comply with any requirement of this act pertaining to the establishment
29 or operation of a county society;

30 e. Appoint ³[law enforcement officers and]³ agents for enforcing
31 all laws and ordinances enacted for the protection of animals and for
32 the investigation of alleged acts of cruelty ²to animals² within the
33 State ³[.] ; appoint agents for commission as humane law enforcement
34 officers in accordance with the provisions of sections 9 and 10 of
35 P.L. , c. (C.) (now before the Legislature as this bill) for the
36 purpose of enforcing all laws and ordinances enacted for the
37 protection of animals and for the investigation of alleged acts of
38 cruelty to animals within the State;³ ²appoint a Chief Humane Law
39 Enforcement Officer from among the appointed humane law
40 enforcement officers ³[.] ;³ ²and adopt a badge which shall be
41 authority for making arrests;

42 f. Establish ², or make arrangements for the provision of, ²
43 mandatory annual training courses for all ³[²animal²] humane³ law
44 enforcement officers and agents of the New Jersey Society for the
45 Prevention of Cruelty to Animals and of the county societies, which
46 courses shall be ⁴[approved by] subject to the approval of⁴ the Police

1 Training Commission ²[and shall include (1) instruction in the law and
2 procedures concerning arrest and search and seizure, (2) instruction
3 in the recognition of animal abuse, neglect, and distress, and (3) for
4 law enforcement officers, firearms training]²;

5 g. Make, alter, and use a common seal;

6 h. Have the authority to sue and be sued in all courts, and all
7 actions brought by or against the New Jersey Society for the
8 Prevention of Cruelty to Animals shall be in its corporate name;

9 i. Purchase and hold any real estate as may be expedient for the
10 advancement of the purposes of the New Jersey Society for the
11 Prevention of Cruelty to Animals, and take by devise or gift all real
12 estate or personal property that is devised or given to it, or to a county
13 society in a county where a chartered county society does not exist,
14 without regard to value. The title to any real estate shall be taken in
15 the corporate name of the society;

16 j. Hold in escrow any assets, after payment of any outstanding
17 debts, of a county society that dissolves or has its charter revoked,
18 canceled, or suspended for any reason until a new county society for
19 that county is formed and chartered or the revoked, canceled, or
20 suspended charter for the county is restored, at which time the board
21 of trustees shall transfer those assets to the newly formed and
22 chartered county society or the county society whose revoked,
23 canceled, or suspended charter has been restored, as the case may be.

24 ⁴[If no new county society is formed and chartered within two years
25 after the receipt of the assets, or the revoked, canceled, or suspended
26 charter is not restored within two years after the revocation,
27 cancellation, or suspension, as the case may be, then the assets shall
28 become the property of the New Jersey Society for the Prevention of
29 Cruelty to Animals]⁴ ; and

30 k. Assist persons in counties without a chartered county society to
31 obtain a charter.

32

33 5. (New section) The board of trustees of the New Jersey Society
34 for the Prevention of Cruelty to Animals may establish reasonable fees
35 for chartering county societies for the prevention of cruelty to animals
36 and for renewal of a charter.

37

38 6. (New section) a. Every county society for the prevention of
39 cruelty to animals that ²[has been in existence prior to the effective
40 date] is in existence on the date of enactment² of P.L. , c. (C.)
41 (now before the Legislature as this bill) shall be continued as a
42 chartered county society.

43 b. A charter for a county society may be granted by the board of
44 trustees of the New Jersey Society for the Prevention of Cruelty to
45 Animals if the county society can demonstrate that it consists of at
46 least 10 members. ²The requirements of this subsection shall not apply

1 to a county society which is continued as a chartered county society
 2 as provided in subsection a. of this section.²

3 c. Every county society shall submit quarterly a law enforcement
 4 report to the board of trustees of the New Jersey Society for the
 5 Prevention of Cruelty to Animals on a form ²[provided by the New
 6 Jersey Society for the Prevention of Cruelty to Animals] developed in
 7 conjunction with the Attorney General². ⁴Each county society shall
 8 also submit a copy of its quarterly report to the county sheriff and the
 9 county prosecutor. The New Jersey Society for the Prevention of
 10 Cruelty to Animals shall compile these reports and submit them to the
 11 Attorney General.⁴

12
 13 7. (New section) A county society for the prevention of cruelty to
 14 animals continued or established in accordance with section 6
 15 of P.L. , c. (C.) (now before the Legislature as this bill) shall:

16 a. Elect its own board of trustees from the members of the county
 17 society for the prevention of cruelty to animals who reside within the
 18 county or who choose to be affiliated with that county society;

19 b. Establish bylaws or regulations necessary for the governance and
 20 operation of the county society;

21 c. Enforce all laws and ordinances enacted for the protection of
 22 animals;

23 d. Promote the interests of, and protect and care for, animals
 24 within the State;

25 e. Appoint ²agents for enforcing all laws and ordinances enacted
 26 for the protection of animals and for the investigation of alleged acts
 27 of cruelty to animals within the State; appoint² up to, but not more
 28 than, three ³[²animal² law enforcement officers] agents for
 29 commission as humane law enforcement officers in accordance with
 30 the provisions of sections 9 and 10 of P.L. , c. (C.) (now before
 31 the Legislature as this bill)³ ¹[and agents]¹ for the purpose of
 32 enforcing all laws and ordinances enacted for the protection of animals
 33 ²and for the investigation of alleged acts of cruelty to animals within
 34 the State, and, with the concurrence of the county prosecutor,
 35 ³[appoint] authorize the commission of³ such additional ³humane³
 36 law enforcement officers over that established maximum as may be
 37 necessary based upon population or the number, degree, or complexity
 38 of animal cruelty complaints; and appoint a Chief Humane Law
 39 Enforcement Officer from among the appointed humane law
 40 enforcement officers² ⁴[.

41 (1) ²[A] ³[An animal²] A humane³ law enforcement officer shall
 42 not be authorized to possess, carry, or use a firearm while enforcing
 43 the laws and ordinances enacted for the protection of animals unless
 44 the ³[²animal²] humane³ law enforcement officer shall have
 45 satisfactorily completed a firearms training course as defined in
 46 subsection j. of N.J.S.2C:39-6 and approved by the Police Training

1 Commission.

2 (2) A person convicted of a crime shall not be eligible to become
3 ²[a] ³[an animal²] a humane³ law enforcement officer or agent.

4 (3) A person shall not be appointed ²[a] ³[an animal²] a humane³
5 law enforcement officer or agent until the county society shall have
6 determined that no criminal history record information exists for that
7 person on file at the Bureau of Identification in the Division of State
8 Police, Department of Law and Public Safety.

9 (4) All county societies are authorized to exchange fingerprint data
10 and receive criminal history record information from the Bureau of
11 Identification, Division of State Police, Department of Law and Public
12 Safety, for use in considering a person for appointment as ²[a] ³[an
13 animal²] a humane³ law enforcement officer or agent of any county
14 society]⁴ ;

15 f. Investigate alleged acts of cruelty to animals and, when
16 necessary, request legal assistance from the office of the appropriate
17 county or municipal prosecutor, which the county or municipal
18 prosecutor, as the case may be, shall make every reasonable effort to
19 provide;

20 g. Adopt a badge, which shall be authority for making arrests and
21 which shall be easily distinguishable from the badge adopted by the
22 New Jersey Society for the Prevention of Cruelty to Animals;

23 h. Have the authority to sue and be sued in all courts, and all
24 actions brought by or against the county society shall be in its
25 corporate name; and

26 i. Purchase and hold any real estate as may be expedient for the
27 advancement of the purposes of the county society, and take by devise
28 or gift all real estate or personal property that is devised or given to
29 it, without regard to value. The title to any real estate shall be taken
30 in the corporate name of the county society.

31

32 8. (New section) a. Each county society for the prevention of
33 cruelty to animals shall require that its ³[²animal²] humane³ law
34 enforcement officers and agents ²[participate in] satisfactorily
35 complete² the training courses established pursuant to ²[subsection f.
36 of section 4 of]² P.L. , c. (C.) (now before the Legislature as
37 this bill).

38 b. Each county society shall establish training programs for the
39 operation of the county society in accordance with mandatory uniform
40 standards, guidelines, and procedures established for the operation of
41 all county societies.

42 c. The board of trustees of a county society shall appoint officers
43 who shall be responsible for direction of the daily operation of the
44 county society.

1 ²9. (New section) a. No person shall serve as a trustee, officer,
2 or humane law enforcement officer or agent of, or hold any other
3 position of authority within, the New Jersey Society for the Prevention
4 of Cruelty to Animals or any county society for the prevention of
5 cruelty to animals if that person has been convicted of a crime under
6 the laws of the State or under any similar statutes of the United States
7 or any other state, ⁴or convicted of a violation of any provision of
8 chapter 22 of Title 4 of the Revised Statutes or a violation of any
9 similar statutes of the United States or any other state, ⁴ as indicated
10 by a criminal history record background check performed pursuant to
11 this section. The fingerprints of each such person and the written
12 consent of the person shall be submitted to the Superintendent of State
13 Police for a criminal history record background check to be
14 performed. The superintendent shall compare these fingerprints with
15 fingerprints on file with the Bureau of Identification in the Division of
16 State Police, Department of Law and Public Safety, and the Federal
17 Bureau of Investigation, consistent with State and federal laws, rules,
18 and regulations. The cost for the criminal history record background
19 check, including all costs administering and processing the check, shall
20 be borne by either the person or the board of trustees of the New
21 Jersey Society for the Prevention of Cruelty to Animals or of a county
22 society for the prevention of cruelty to animals, as the case may be.
23 The superintendent shall inform the board of trustees of the New
24 Jersey Society for the Prevention of Cruelty to Animals or of a county
25 society for the prevention of cruelty to animals, as the case may be, of
26 whether the person's criminal history background check reveals a
27 conviction of a disqualifying crime as specified in this section.

28 The superintendent shall complete the criminal history record
29 background check required pursuant to this subsection within 90 days
30 after receipt of a request therefor.

31 ⁴[b. The board of trustees of the New Jersey Society for the
32 Prevention of Cruelty to Animals or of a county society for the
33 prevention of cruelty to animals, as the case may be, shall also request
34 the Superintendent of State Police to investigate and determine the
35 character, competency, integrity, and fitness of any person to be
36 appointed as a humane law enforcement officer. Upon receiving the
37 request, the superintendent shall conduct the investigation and provide
38 a report thereon, together with any determinations, conclusions, and
39 recommendations that the superintendent may have, to the applicable
40 board of trustees.

41 The superintendent shall complete the investigation required
42 pursuant to this subsection within 90 days after receipt of a request
43 therefor.]

44 b. (1) No person shall serve as a trustee, officer, or humane law
45 enforcement officer or agent of, or hold any other position of authority
46 within, the New Jersey Society for the Prevention of Cruelty to

1 Animals or any county society if that person has been convicted of, or
2 found civilly liable for, a violation of any provision of chapter 22 of
3 Title 4 of the Revised Statutes or a violation of any similar statutes of
4 the United States or any other state.

5 (2) The New Jersey Society for the Prevention of Cruelty to
6 Animals or county society shall rescind the authorization or
7 appointment of any member, humane law enforcement officer, or agent
8 convicted of, or found civilly liable for, a violation of any provision of
9 chapter 22 of Title 4 of the Revised Statutes or a violation of any
10 similar statutes of the United States or any other state, and that person
11 shall immediately surrender to the New Jersey Society for the
12 Prevention of Cruelty to Animals or county society any badge,
13 identification card, or indicia of authority issued to the member,
14 humane law enforcement officer, or agent, as the case may be.⁴

15 ³[c. The requirements of subsection a. of this section pertaining to
16 a criminal history record background check and of subsection b. of this
17 section shall not apply to any person serving as a trustee, officer,
18 humane law enforcement officer, or agent of, or holding any other
19 position of authority within, the New Jersey Society for the Prevention
20 of Cruelty to Animals or any county society for the prevention of
21 cruelty to animals on the date of enactment of P.L. , c. (C.)
22 (now before the Legislature as this bill).²]³

23
24 ³10. (New section) a. An application to be commissioned as a
25 humane law enforcement officer shall be submitted to the
26 Superintendent of State Police by the board of trustees of a county
27 society for the prevention of cruelty to animals or of the New Jersey
28 Society for the Prevention of Cruelty to Animals, as the case may be.

29 b. The superintendent shall investigate and determine the character,
30 competency, integrity, and fitness of the person or persons designated
31 in the application.

32 c. No person shall be commissioned as a humane law enforcement
33 officer under the provisions of this section if that person has been
34 convicted of a crime ⁴or violation⁴, as indicated by a criminal history
35 background check performed pursuant to the provisions of section 9
36 of P.L. , c. (C.) (now before the Legislature as this bill) ⁴, or
37 has been convicted of, or found civilly liable for, a violation of chapter
38 22 of Title 4 of the Revised Statutes or a violation of any similar
39 statutes of the United States or any other state⁴.

40 d. (1) The superintendent, when satisfied with the examination of
41 any application and such further inquiry and investigations as the
42 superintendent shall deem proper as to the good character,
43 competency, ⁴[and]⁴ integrity ⁴, and fitness⁴ of the applicant, shall
44 approve the commission of the applicant as a humane law enforcement
45 officer. ⁴A commission issued under this section shall be renewable
46 every two years.⁴

1 (2) The board of trustees of a county society for the prevention of
2 cruelty to animals or of the New Jersey Society for the Prevention of
3 Cruelty to Animals, as the case may be, may ⁴[revoke] dismiss⁴ or
4 suspend a ⁴[commission] humane law enforcement officer in its
5 employ⁴ for any reason, including but not limited to (a) a violation of
6 any provision of P.L. , c. (C.) (now before the Legislature as
7 this bill), and (b) upon the recommendation of the Superintendent of
8 State Police. A ⁴[revocation] dismissal ⁴or suspension shall be
9 subject to the provisions of subsection h. of this section.

10 ⁴(3) The superintendent may revoke or suspend a commission
11 issued pursuant to this section for a violation of any provision of
12 P.L. , c. (C.) (now before the Legislature as this bill) or for other
13 good cause, and the commission may be rescinded for good cause at
14 the direction of the Attorney General or upon request of the board of
15 trustees of a county society for the prevention of cruelty to animals or
16 the New Jersey Society for the Prevention of Cruelty to Animals, as
17 the case may be; provided, however, that a person whose commission
18 is rescinded at the direction of the Attorney General may still be
19 eligible for appointment as an agent unless prohibited otherwise by
20 P.L. , c. (c.) (now before the Legislature as this bill) or any
21 other law. A revocation, suspension, or rescission shall be subject to
22 the provisions of subsection h. of this section.⁴

23 e. A humane law enforcement officer shall not be authorized to
24 possess, carry, or use a firearm while enforcing the laws and
25 ordinances enacted for the protection of animals unless the officer
26 ⁴(1)⁴ has satisfactorily completed a firearms training course as defined
27 in subsection j. of N.J.S.2C:39-6 and approved by the Police Training
28 Commission ⁴[as required by section 12 of P.L. , c. (C.) (now
29 before the Legislature as this bill)] , and (2) annually qualifies in the
30 use of a revolver or similar weapon⁴.

31 f. The superintendent shall, within 90 days after receipt of an
32 application submitted pursuant to this section, ⁴[commission or refuse
33 to commission the applicant] or as soon thereafter as may be
34 reasonable practicable, approve or disapprove an application for
35 commission⁴ as a humane law enforcement officer. ⁴[An applicant
36 who has not been commissioned or disqualified within that 90-day
37 period shall be presumed by the State to be a commissioned humane
38 law enforcement officer unless and until otherwise commissioned or
39 disqualified pursuant to section 9 of P.L. , c. (C.) (now before
40 the Legislature as this bill) and this section.]⁴

41 g. Every person serving as a law enforcement officer appointed by
42 a county society for the prevention of cruelty to animals or the New
43 Jersey Society for the Prevention of Cruelty to Animals on the date of
44 enactment of this act ⁴[shall be presumed by the State to be a
45 commissioned] for whom an application has been submitted to be

1 commissioned as a⁴ humane law enforcement officer⁴ shall be
2 permitted to serve in that capacity⁴ unless and until⁴ the application
3 for commission is disapproved or the person is⁴ otherwise
4 ⁴[commissioned or]⁴ disqualified pursuant to section 9 of
5 P.L. , c. (C.) (now before the Legislature as this bill) and this
6 section.

7 h. (1) In the case of refusal to commission an applicant to be a
8 humane law enforcement officer, the superintendent shall submit to the
9 board of trustees of a county society for the prevention of cruelty to
10 animals or of the New Jersey Society for the Prevention of Cruelty to
11 Animals, as the case may be, a statement setting forth the reasons for
12 disqualification.

13 (2) A disqualified applicant, or a humane law enforcement officer
14 ⁴who has been dismissed or suspended or⁴ whose commission has been
15 revoked or suspended, shall have the right to submit statements under
16 oath and documentation that contest the findings of the board of
17 trustees of a county society for the prevention of cruelty to animals or
18 of the New Jersey Society for the Prevention of Cruelty to Animals,
19 or of the superintendent, as the case may be. If, upon receipt of such
20 statements and documentation, the board of trustees of a county
21 society for the prevention of cruelty to animals or of the New Jersey
22 Society for the Prevention of Cruelty to Animals, or the
23 superintendent, as the case may be, maintains that the disqualification,
24 ⁴dismissal,⁴ revocation, or suspension was neither arbitrary nor
25 capricious, the disqualified applicant, or humane law enforcement
26 officer⁴ who has been dismissed or suspended or⁴ whose commission
27 has been revoked or suspended, shall have the right to an
28 administrative hearing and decision, and the matter shall be treated as
29 a contested case, under the "Administrative Procedure Act," P.L.1968,
30 c.410 (C.52:14B-1 et seq.). ⁴[The administrative law judge shall hear
31 testimony and make a determination as to whether or not the
32 disqualification, revocation, or suspension should be set aside, thereby
33 permitting the applicant to become a humane law enforcement officer
34 or, in the case of a revocation or suspension, restoring the commission
35 which had been revoked or suspended.³]⁴

36
37 ³[²10.] 11.³ (New section) a. The Police Training Commission,
38 in collaboration with the New Jersey Society for the Prevention of
39 Cruelty to Animals, shall develop⁴ [and] or⁴ approve⁴ [, within 120
40 days after the date of enactment of P.L. , c. (C.) (now before
41 the Legislature as this bill).]⁴ a training course for animal protection
42 law enforcement, which shall include but need not be limited to
43 instruction in:

44 (1) the law, procedures, and enforcement methods and techniques
45 of investigation, arrest, and search and seizure, specifically in
46 connection with violations of State and local animal cruelty laws and

1 ordinances;

2 (2) information and procedures related to animals, including animal
 3 behavior and traits and evaluation of animals at a crime scene;

4 (3) methods to identify and document animal abuse, neglect, and
 5 distress; and

6 (4) investigation of animal fighting.

7 ⁴The course developed or approved pursuant to this subsection
 8 shall be the same or substantially similar to the course developed and
 9 approved for certified animal control officers who are authorized as
 10 animal cruelty investigators pursuant to sections 3 and 4 of P.L.1983,
 11 c.525 (C.4:19-15.16a and C.4:19-15.16b) and P.L.1997, c.247
 12 (C.4:19-15.16c. et al.).⁴

13 b. Every agent and humane law enforcement officer appointed after
 14 the date of enactment of P.L. , c. (C.) (now before the
 15 Legislature as this bill) shall satisfactorily complete the animal
 16 protection law enforcement training course within one year after the
 17 date of the agent's or officer's appointment.

18 c. The Chief Humane Law Enforcement Officer of a county society
 19 for the prevention of cruelty to animals or the New Jersey Society for
 20 the Prevention of Cruelty to Animals may request from the Police
 21 Training Commission an exemption from applicable law enforcement
 22 parts of the animal protection law enforcement training course on
 23 behalf of a current or prospective agent or humane law enforcement
 24 officer who demonstrates successful completion of a police training
 25 course conducted by a federal, state, or other public or private agency,
 26 the requirements of which are substantially equivalent to or which
 27 exceed the corresponding requirements of the animal protection law
 28 enforcement training course curriculum established through the Police
 29 Training Commission.

30 ⁴[d. Prior to being permitted to carry a firearm, a humane law
 31 enforcement officer appointed pursuant to P.L. , c. (C.) (now
 32 before the Legislature as this bill) shall take and satisfactorily complete
 33 a firearms training course administered by the Police Training
 34 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
 35 shall annually qualify in the use of a revolver or similar weapon prior
 36 to being permitted to carry a firearm.²]⁴

37

38 ²[9.] ³[11.²] ^{12.}³ (New section) ⁴[a.]⁴ All State, county, and
 39 municipal law enforcement agencies and all county and municipal
 40 health agencies shall, upon request, ²[aid] make every reasonable
 41 effort to assist² the ³[²animal²] humane³ law enforcement officers and
 42 agents of a county society for the prevention of cruelty to animals or
 43 the New Jersey Society for the Prevention of Cruelty to Animals in the
 44 enforcement of all laws and ordinances enacted for the protection of
 45 animals.

46 ⁴[b. The Attorney General shall assign to the New Jersey Society

1 for the Prevention of Cruelty to Animals a Deputy Attorney General
2 to provide assistance and guidance to the society in carrying out its
3 law enforcement duties and responsibilities.]⁴

4
5 ²[10.] ³[12.²] ^{13.}³ (New section) ¹[Each] ⁴[The] In addition to
6 any requirement imposed by P.L.1994, c.16 (C.45:17A-18 et seq.) or
7 any other law, the⁴ New Jersey Society for the Prevention of Cruelty
8 to Animals and each¹ county society for the prevention of cruelty to
9 animals shall cause ⁴to be prepared⁴ an annual audit of all of its
10 financial transactions ²[to be performed by a person licensed in New
11 Jersey as a] , which shall be prepared in accordance with generally
12 accepted accounting principles and standards by an independent New
13 Jersey licensed² certified public accountant. The audit for each
14 calendar year shall be submitted by June 1 of the next following
15 calendar year to the ²[State]² Attorney General, and shall be made
16 available to the public upon request.

17
18 ⁴14. N.J.S.2C:39-6 is amended to read as follows:

19 2C:39-6. a. Provided a person complies with the requirements of
20 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

21 (1) Members of the Armed Forces of the United States or of the
22 National Guard while actually on duty, or while traveling between
23 places of duty and carrying authorized weapons in the manner
24 prescribed by the appropriate military authorities;

25 (2) Federal law enforcement officers, and any other federal officers
26 and employees required to carry firearms in the performance of their
27 official duties;

28 (3) Members of the State Police and, under conditions prescribed
29 by the superintendent, members of the Marine Law Enforcement
30 Bureau of the Division of State Police;

31 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
32 assistant prosecutor, prosecutor's detective or investigator, deputy
33 attorney general or State investigator employed by the Division of
34 Criminal Justice of the Department of Law and Public Safety,
35 investigator employed by the State Commission of Investigation,
36 inspector of the Alcoholic Beverage Control Enforcement Bureau of
37 the Division of State Police in the Department of Law and Public
38 Safety authorized to carry such weapons by the Superintendent of
39 State Police, State park police officer, or State conservation officer;

40 (5) A prison or jail warden of any penal institution in this State or
41 his deputies, or an employee of the Department of Corrections
42 engaged in the interstate transportation of convicted offenders, while
43 in the performance of his duties, and when required to possess the
44 weapon by his superior officer, or a correction officer or keeper of a
45 penal institution in this State at all times while in the State of New
46 Jersey, provided he annually passes an examination approved by the

1 superintendent testing his proficiency in the handling of firearms;

2 (6) A civilian employee of the United States Government under the
3 supervision of the commanding officer of any post, camp, station, base
4 or other military or naval installation located in this State who is
5 required, in the performance of his official duties, to carry firearms,
6 and who is authorized to carry such firearms by said commanding
7 officer, while in the actual performance of his official duties;

8 (7) (a) A regularly employed member, including a detective, of the
9 police department of any county or municipality, or of any State,
10 interstate, municipal or county park police force or boulevard police
11 force, at all times while in the State of New Jersey;

12 (b) A special law enforcement officer authorized to carry a weapon
13 as provided in subsection b. of section 7 of P.L.1985, c.439
14 (C.40A:14-146.14);

15 (c) An airport security officer or a special law enforcement officer
16 appointed by the governing body of any county or municipality, except
17 as provided in subsection (b) of this section, or by the commission,
18 board or other body having control of a county park or airport or
19 boulevard police force, while engaged in the actual performance of his
20 official duties and when specifically authorized by the governing body
21 to carry weapons;

22 (8) A full-time, paid member of a paid or part-paid fire department
23 or force of any municipality who is assigned full-time or part-time to
24 an arson investigation unit created pursuant to section 1 of P.L.1981,
25 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
26 county prosecutor's office, while either engaged in the actual
27 performance of arson investigation duties or while actually on call to
28 perform arson investigation duties and when specifically authorized by
29 the governing body or the county prosecutor, as the case may be, to
30 carry weapons. Prior to being permitted to carry a firearm, such a
31 member shall take and successfully complete a firearms training course
32 administered by the Police Training Commission pursuant to P.L.1961,
33 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
34 revolver or similar weapon prior to being permitted to carry a firearm;

35 (9) A juvenile corrections officer in the employment of the Juvenile
36 Justice Commission established pursuant to section 2 of P.L.1995,
37 c.284 (C.52:17B-170) subject to the regulations promulgated by the
38 commission;

39 (10) A designated employee or designated licensed agent for a
40 nuclear power plant under license of the Nuclear Regulatory
41 Commission, while in the actual performance of his official duties, if
42 the federal licensee certifies that the designated employee or
43 designated licensed agent is assigned to perform site protection, guard,
44 armed response or armed escort duties and is appropriately trained and
45 qualified, as prescribed by federal regulation, to perform those duties.
46 Any firearm utilized by an employee or agent for a nuclear power plant

1 pursuant to this paragraph shall be returned each day at the end of the
2 employee's or agent's authorized official duties to the employee's or
3 agent's supervisor. All firearms returned each day pursuant to this
4 paragraph shall be stored in locked containers located in a secure area.

5 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

6 (1) A law enforcement officer employed by a governmental agency
7 outside of the State of New Jersey while actually engaged in his
8 official duties, provided, however, that he has first notified the
9 superintendent or the chief law enforcement officer of the municipality
10 or the prosecutor of the county in which he is engaged; or

11 (2) A licensed dealer in firearms and his registered employees
12 during the course of their normal business while traveling to and from
13 their place of business and other places for the purpose of
14 demonstration, exhibition or delivery in connection with a sale,
15 provided, however, that the weapon is carried in the manner specified
16 in subsection g. of this section.

17 c. Provided a person complies with the requirements of subsection
18 j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply
19 to:

20 (1) A special agent of the Division of Taxation who has passed an
21 examination in an approved police training program testing proficiency
22 in the handling of any firearm which he may be required to carry, while
23 in the actual performance of his official duties and while going to or
24 from his place of duty, or any other police officer, while in the actual
25 performance of his official duties;

26 (2) A State deputy conservation officer or a full-time employee of
27 the Division of Parks and Forestry having the power of arrest and
28 authorized to carry weapons, while in the actual performance of his
29 official duties;

30 (3) (Deleted by amendment, P.L.1986, c.150.)

31 (4) A court attendant serving as such under appointment by the
32 sheriff of the county or by the judge of any municipal court or other
33 court of this State, while in the actual performance of his official
34 duties;

35 (5) A guard in the employ of any railway express company,
36 banking or building and loan or savings and loan institution of this
37 State, while in the actual performance of his official duties;

38 (6) A member of a legally recognized military organization while
39 actually under orders or while going to or from the prescribed place
40 of meeting and carrying the weapons prescribed for drill, exercise or
41 parade;

42 (7) [An] A humane law enforcement officer of the New Jersey
43 Society for the Prevention of Cruelty to Animals or of a county society
44 for the prevention of cruelty to animals , while in the actual
45 performance of his duties;

46 (8) An employee of a public utilities corporation actually engaged

1 in the transportation of explosives;

2 (9) A railway policeman, except a transit police officer of the New
3 Jersey Transit Police Department, at all times while in the State of
4 New Jersey, provided that he has passed an approved police academy
5 training program consisting of at least 280 hours. The training
6 program shall include, but need not be limited to, the handling of
7 firearms, community relations, and juvenile relations;

8 (10) A campus police officer appointed under P.L.1970, c.211
9 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
10 firearm, a campus police officer shall take and successfully complete
11 a firearms training course administered by the Police Training
12 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
13 shall annually qualify in the use of a revolver or similar weapon prior
14 to being permitted to carry a firearm;

15 (11) (Deleted by amendment, P.L.2003, c.168).

16 (12) A transit police officer of the New Jersey Transit Police
17 Department, at all times while in the State of New Jersey, provided the
18 officer has satisfied the training requirements of the Police Training
19 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
20 (C.27:25-15.1);

21 (13) A parole officer employed by the State Parole Board at all
22 times. Prior to being permitted to carry a firearm, a parole officer
23 shall take and successfully complete a basic course for regular police
24 officer training administered by the Police Training Commission,
25 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually
26 qualify in the use of a revolver or similar weapon prior to being
27 permitted to carry a firearm;

28 (14) A Human Services police officer at all times while in the State
29 of New Jersey, as authorized by the Commissioner of Human Services;

30 (15) A person or employee of any person who, pursuant to and as
31 required by a contract with a governmental entity, supervises or
32 transports persons charged with or convicted of an offense;

33 (16) A housing authority police officer appointed under P.L.1997,
34 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
35 Jersey; or

36 (17) A probation officer assigned to the "Probation Officer
37 Community Safety Unit" created by section 2 of P.L.2001, c.362
38 (C.2B:10A-2) while in the actual performance of the probation
39 officer's official duties. Prior to being permitted to carry a firearm, a
40 probation officer shall take and successfully complete a basic course
41 for regular police officer training administered by the Police Training
42 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
43 shall annually qualify in the use of a revolver or similar weapon prior
44 to being permitted to carry a firearm.

45 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
46 antique firearms, provided that such antique firearms are unloaded or

1 are being fired for the purposes of exhibition or demonstration at an
2 authorized target range or in such other manner as has been approved
3 in writing by the chief law enforcement officer of the municipality in
4 which the exhibition or demonstration is held, or if not held on
5 property under the control of a particular municipality, the
6 superintendent.

7 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
8 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
9 being fired but that is unloaded and immobile, provided that the
10 antique cannon is possessed by (a) a scholastic institution, a museum,
11 a municipality, a county or the State, or (b) a person who obtained a
12 firearms purchaser identification card as specified in N.J.S.2C:58-3.

13 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
14 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
15 being transported by one eligible to possess it, in compliance with
16 regulations the superintendent may promulgate, between its permanent
17 location and place of purchase or repair.

18 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
19 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
20 or fired by one eligible to possess an antique cannon, for purposes of
21 exhibition or demonstration at an authorized target range or in the
22 manner as has been approved in writing by the chief law enforcement
23 officer of the municipality in which the exhibition or demonstration is
24 held, or if not held on property under the control of a particular
25 municipality, the superintendent, provided that performer has given at
26 least 30 days' notice to the superintendent.

27 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
28 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
29 cannons directly to or from exhibitions or demonstrations authorized
30 under paragraph (4) of subsection d. of this section, provided that the
31 transportation is in compliance with safety regulations the
32 superintendent may promulgate. Nor do those subsections apply to
33 transportation directly to or from exhibitions or demonstrations
34 authorized under the law of another jurisdiction, provided that the
35 superintendent has been given 30 days' notice and that the
36 transportation is in compliance with safety regulations the
37 superintendent may promulgate.

38 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
39 construed to prevent a person keeping or carrying about his place of
40 business, residence, premises or other land owned or possessed by
41 him, any firearm, or from carrying the same, in the manner specified
42 in subsection g. of this section, from any place of purchase to his
43 residence or place of business, between his dwelling and his place of
44 business, between one place of business or residence and another when
45 moving, or between his dwelling or place of business and place where
46 such firearms are repaired, for the purpose of repair. For the purposes

1 of this section, a place of business shall be deemed to be a fixed
2 location.

3 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
4 construed to prevent:

5 (1) A member of any rifle or pistol club organized in accordance
6 with the rules prescribed by the National Board for the Promotion of
7 Rifle Practice, in going to or from a place of target practice, carrying
8 such firearms as are necessary for said target practice, provided that
9 the club has filed a copy of its charter with the superintendent and
10 annually submits a list of its members to the superintendent and
11 provided further that the firearms are carried in the manner specified
12 in subsection g. of this section;

13 (2) A person carrying a firearm or knife in the woods or fields or
14 upon the waters of this State for the purpose of hunting, target
15 practice or fishing, provided that the firearm or knife is legal and
16 appropriate for hunting or fishing purposes in this State and he has in
17 his possession a valid hunting license, or, with respect to fresh water
18 fishing, a valid fishing license;

19 (3) A person transporting any firearm or knife while traveling:

20 (a) Directly to or from any place for the purpose of hunting or
21 fishing, provided the person has in his possession a valid hunting or
22 fishing license; or

23 (b) Directly to or from any target range, or other authorized place
24 for the purpose of practice, match, target, trap or skeet shooting
25 exhibitions, provided in all cases that during the course of the travel
26 all firearms are carried in the manner specified in subsection g. of this
27 section and the person has complied with all the provisions and
28 requirements of Title 23 of the Revised Statutes and any amendments
29 thereto and all rules and regulations promulgated thereunder; or

30 (c) In the case of a firearm, directly to or from any exhibition or
31 display of firearms which is sponsored by any law enforcement agency,
32 any rifle or pistol club, or any firearms collectors club, for the purpose
33 of displaying the firearms to the public or to the members of the
34 organization or club, provided, however, that not less than 30 days
35 prior to the exhibition or display, notice of the exhibition or display
36 shall be given to the Superintendent of the State Police by the
37 sponsoring organization or club, and the sponsor has complied with
38 such reasonable safety regulations as the superintendent may
39 promulgate. Any firearms transported pursuant to this section shall be
40 transported in the manner specified in subsection g. of this section;

41 (4) A person from keeping or carrying about a private or
42 commercial aircraft or any boat, or from transporting to or from such
43 vessel for the purpose of installation or repair a visual distress
44 signalling device approved by the United States Coast Guard.

45 g. All weapons being transported under paragraph (2) of
46 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of

1 this section shall be carried unloaded and contained in a closed and
2 fastened case, gunbox, securely tied package, or locked in the trunk of
3 the automobile in which it is being transported, and in the course of
4 travel shall include only such deviations as are reasonably necessary
5 under the circumstances.

6 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
7 to prevent any employee of a public utility, as defined in R.S.48:2-13,
8 doing business in this State or any United States Postal Service
9 employee, while in the actual performance of duties which specifically
10 require regular and frequent visits to private premises, from
11 possessing, carrying or using any device which projects, releases or
12 emits any substance specified as being noninjurious to canines or other
13 animals by the Commissioner of Health and Senior Services and which
14 immobilizes only on a temporary basis and produces only temporary
15 physical discomfort through being vaporized or otherwise dispensed
16 in the air for the sole purpose of repelling canine or other animal
17 attacks.

18 The device shall be used solely to repel only those canine or other
19 animal attacks when the canines or other animals are not restrained in
20 a fashion sufficient to allow the employee to properly perform his
21 duties.

22 Any device used pursuant to this act shall be selected from a list of
23 products, which consist of active and inert ingredients, permitted by
24 the Commissioner of Health and Senior Services.

25 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
26 person who is 18 years of age or older and who has not been convicted
27 of a felony, from possession for the purpose of personal self-defense
28 of one pocket-sized device which contains and releases not more than
29 three-quarters of an ounce of chemical substance not ordinarily
30 capable of lethal use or of inflicting serious bodily injury, but rather,
31 is intended to produce temporary physical discomfort or disability
32 through being vaporized or otherwise dispensed in the air. Any person
33 in possession of any device in violation of this subsection shall be
34 deemed and adjudged to be a disorderly person, and upon conviction
35 thereof, shall be punished by a fine of not less than \$100.00.

36 j. A person shall qualify for an exemption from the provisions of
37 N.J.S.2C:39-5, as specified under subsections a. and c. of this section,
38 if the person has satisfactorily completed a firearms training course
39 approved by the Police Training Commission.

40 Such exempt person shall not possess or carry a firearm until the
41 person has satisfactorily completed a firearms training course and shall
42 annually qualify in the use of a revolver or similar weapon. For
43 purposes of this subsection, a "firearms training course" means a
44 course of instruction in the safe use, maintenance and storage of
45 firearms which is approved by the Police Training Commission. The
46 commission shall approve a firearms training course if the

1 requirements of the course are substantially equivalent to the
2 requirements for firearms training provided by police training courses
3 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
4 A person who is specified in paragraph (1), (2), (3) or (6) of
5 subsection a. of this section shall be exempt from the requirements of
6 this subsection.

7 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
8 to prevent any financial institution, or any duly authorized personnel
9 of the institution, from possessing, carrying or using for the protection
10 of money or property, any device which projects, releases or emits tear
11 gas or other substances intended to produce temporary physical
12 discomfort or temporary identification.

13 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
14 to prevent a law enforcement officer who retired in good standing,
15 including a retirement because of a disability pursuant to section 6 of
16 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
17 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
18 substantially similar statute governing the disability retirement of
19 federal law enforcement officers, provided the officer was a regularly
20 employed, full-time law enforcement officer for an aggregate of five
21 or more years prior to his disability retirement and further provided
22 that the disability which constituted the basis for the officer's
23 retirement did not involve a certification that the officer was mentally
24 incapacitated for the performance of his usual law enforcement duties
25 and any other available duty in the department which his employer was
26 willing to assign to him or does not subject that retired officer to any
27 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
28 would disqualify the retired officer from possessing or carrying a
29 firearm, who semi-annually qualifies in the use of the handgun he is
30 permitted to carry in accordance with the requirements and procedures
31 established by the Attorney General pursuant to subsection j. of this
32 section and pays the actual costs associated with those semi-annual
33 qualifications, who is less than 70 years of age, and who was regularly
34 employed as a full-time member of the State Police; a full-time
35 member of an interstate police force; a full-time member of a county
36 or municipal police department in this State; a full-time member of a
37 State law enforcement agency; a full-time sheriff, undersheriff or
38 sheriff's officer of a county of this State; a full-time State or county
39 corrections officer; a full-time county park police officer; a full-time
40 county prosecutor's detective or investigator; or a full-time federal law
41 enforcement officer from carrying a handgun in the same manner as
42 law enforcement officers exempted under paragraph (7) of subsection
43 a. of this section under the conditions provided herein:

44 (1) The retired law enforcement officer, within six months after
45 retirement, shall make application in writing to the Superintendent of
46 State Police for approval to carry a handgun for one year. An

1 application for annual renewal shall be submitted in the same manner.

2 (2) Upon receipt of the written application of the retired law
3 enforcement officer, the superintendent shall request a verification of
4 service from the chief law enforcement officer of the organization in
5 which the retired officer was last regularly employed as a full-time law
6 enforcement officer prior to retiring. The verification of service shall
7 include:

8 (a) The name and address of the retired officer;

9 (b) The date that the retired officer was hired and the date that the
10 officer retired;

11 (c) A list of all handguns known to be registered to that officer;

12 (d) A statement that, to the reasonable knowledge of the chief law
13 enforcement officer, the retired officer is not subject to any of the
14 restrictions set forth in subsection c. of N.J.S.2C:58-3; and

15 (e) A statement that the officer retired in good standing.

16 (3) If the superintendent approves a retired officer's application or
17 reapplication to carry a handgun pursuant to the provisions of this
18 subsection, the superintendent shall notify in writing the chief law
19 enforcement officer of the municipality wherein that retired officer
20 resides. In the event the retired officer resides in a municipality which
21 has no chief law enforcement officer or law enforcement agency, the
22 superintendent shall maintain a record of the approval.

23 (4) The superintendent shall issue to an approved retired officer an
24 identification card permitting the retired officer to carry a handgun
25 pursuant to this subsection. This identification card shall be valid for
26 one year from the date of issuance and shall be valid throughout the
27 State. The identification card shall not be transferable to any other
28 person. The identification card shall be carried at all times on the
29 person of the retired officer while the retired officer is carrying a
30 handgun. The retired officer shall produce the identification card for
31 review on the demand of any law enforcement officer or authority.

32 (5) Any person aggrieved by the denial of the superintendent of
33 approval for a permit to carry a handgun pursuant to this subsection
34 may request a hearing in the Superior Court of New Jersey in the
35 county in which he resides by filing a written request for such a
36 hearing within 30 days of the denial. Copies of the request shall be
37 served upon the superintendent and the county prosecutor. The
38 hearing shall be held within 30 days of the filing of the request, and no
39 formal pleading or filing fee shall be required. Appeals from the
40 determination of such a hearing shall be in accordance with law and
41 the rules governing the courts of this State.

42 (6) A judge of the Superior Court may revoke a retired officer's
43 privilege to carry a handgun pursuant to this subsection for good cause
44 shown on the application of any interested person. A person who
45 becomes subject to any of the disabilities set forth in subsection c. of
46 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his

1 identification card issued under paragraph (4) of this subsection to the
2 chief law enforcement officer of the municipality wherein he resides or
3 the superintendent, and shall be permanently disqualified to carry a
4 handgun under this subsection.

5 (7) The superintendent may charge a reasonable application fee to
6 retired officers to offset any costs associated with administering the
7 application process set forth in this subsection.

8 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
9 prevent duly authorized personnel of the New Jersey Division of Fish
10 and Wildlife, while in the actual performance of duties, from
11 possessing, transporting or using any device that projects, releases or
12 emits any substance specified as being non-injurious to wildlife by the
13 Director of the Division of Animal Health in the Department of
14 Agriculture, and which may immobilize wildlife and produces only
15 temporary physical discomfort through being vaporized or otherwise
16 dispensed in the air for the purpose of repelling bear or other animal
17 attacks or for the aversive conditioning of wildlife.

18 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
19 construed to prevent duly authorized personnel of the New Jersey
20 Division of Fish and Wildlife, while in the actual performance of
21 duties, from possessing, transporting or using hand held pistol-like
22 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
23 purpose of frightening, hazing or aversive conditioning of nuisance or
24 depredating wildlife; from possessing, transporting or using rifles,
25 pistols or similar devices for the sole purpose of chemically
26 immobilizing wild or non-domestic animals; or, provided the duly
27 authorized person complies with the requirements of subsection j. of
28 this section, from possessing, transporting or using rifles or shotguns,
29 upon completion of a Police Training Commission approved training
30 course, in order to dispatch injured or dangerous animals or for
31 non-lethal use for the purpose of frightening, hazing or aversive
32 conditioning of nuisance or depredating wildlife.⁴

33 (cf: P.L.2005, c.216, s.1)

34
35 ²[11.] ³[13.²] ⁴[14.³] 15.⁴ R.S.4:22-13 is amended to read as
36 follows:

37 4:22-13. A [corporation constituted or organized for the purpose
38 of the enforcement of laws enacted for the protection of dumb animals,
39 or for the purpose of promoting the welfare of dumb animals, whether
40 incorporated by special act of the legislature or under general laws,
41 may at any time, in the manner provided in section 4:22-14 of this
42 title,] county society for the prevention of cruelty to animals may
43 amend its charter or certificate of incorporation as originally enacted
44 or filed or as amended so that [such corporation] the county society,
45 in addition to its other powers and purposes, shall have the following
46 powers and purposes: [To] to promote the interests of, and to

1 protect and care for [dumb], animals; to maintain and operate one or
2 more rest farms, kennels, pounds, shelters, or hospitals, or any or all
3 of them, for animals in the custody of the county society by reason of
4 impoundment, seizure or relinquishment by the owner[,]; and to do
5 any and all things which would benefit or tend to benefit [dumb]
6 animals.

7 (cf: R.S.4:22-13)

8
9 ²[12.] ³[14.²] ⁴[15.³] R.S.4:22-26 is amended to read as follows:

10 4:22-26. A person who shall:

11 a. (1) Overdrive, overload, drive when overloaded, overwork,
12 deprive of necessary sustenance, abuse, or needlessly kill a living
13 animal or creature, or cause or procure any such acts to be done;

14 (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly
15 beat, or needlessly mutilate a living animal or creature, or cause or
16 procure any such acts to be done;

17 (3) Cruelly kill, or cause or procure the cruel killing of, a living
18 animal or creature, or otherwise cause or procure the death of a living
19 animal or creature from commission of any act described in paragraph
20 (2) of this subsection;

21 b. (Deleted by amendment, P.L.2003, c.232).

22 c. Inflict unnecessary cruelty upon a living animal or creature, or
23 unnecessarily fail to provide a living animal or creature of which the
24 person has charge either as an owner or otherwise with proper food,
25 drink, shelter or protection from the weather, or leave it unattended in
26 a vehicle under inhumane conditions adverse to the health or welfare
27 of the living animal or creature;

28 d. Receive or offer for sale a horse that is suffering from abuse or
29 neglect, or which by reason of disability, disease, abuse or lameness,
30 or any other cause, could not be worked, ridden or otherwise used for
31 show, exhibition or recreational purposes, or kept as a domestic pet
32 without violating the provisions of this article;

33 e. Keep, use, be connected with or interested in the management
34 of, or receive money or other consideration for the admission of a
35 person to, a place kept or used for the purpose of fighting or baiting
36 a living animal or creature;

37 f. Be present and witness, pay admission to, encourage, aid or
38 assist in an activity enumerated in subsection e. of this section;

39 g. Permit or suffer a place owned or controlled by him to be used
40 as provided in subsection e. of this section;

41 h. Carry, or cause to be carried, a living animal or creature in or
42 upon a vehicle or otherwise, in a cruel or inhumane manner;

43 i. Use a dog or dogs for the purpose of drawing or helping to draw
44 a vehicle for business purposes;

45 j. Impound or confine or cause to be impounded or confined in a
46 pound or other place a living animal or creature, and shall fail to

- 1 supply it during such confinement with a sufficient quantity of good
2 and wholesome food and water;
- 3 k. Abandon a maimed, sick, infirm or disabled animal or creature
4 to die in a public place;
- 5 l. Willfully sell, or offer to sell, use, expose, or cause or permit to
6 be sold or offered for sale, used or exposed, a horse or other animal
7 having the disease known as glanders or farcy, or other contagious or
8 infectious disease dangerous to the health or life of human beings or
9 animals, or who shall, when any such disease is beyond recovery,
10 refuse, upon demand, to deprive the animal of life;
- 11 m. Own, operate, manage or conduct a roadside stand or market
12 for the sale of merchandise along a public street or highway; or a
13 shopping mall, or a part of the premises thereof; and keep a living
14 animal or creature confined, or allowed to roam in an area whether or
15 not the area is enclosed, on these premises as an exhibit; except that
16 this subsection shall not be applicable to: a pet shop licensed pursuant
17 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an
18 animal, in a humane manner, for the purpose of the protection of the
19 premises; or a recognized breeders' association, a 4-H club, an
20 educational agricultural program, an equestrian team, a humane
21 society or other similar charitable or nonprofit organization conducting
22 an exhibition, show or performance;
- 23 n. Keep or exhibit a wild animal at a roadside stand or market
24 located along a public street or highway of this State; a gasoline
25 station; or a shopping mall, or a part of the premises thereof;
- 26 o. Sell, offer for sale, barter or give away or display live baby
27 chicks, ducklings or other fowl or rabbits, turtles or chameleons which
28 have been dyed or artificially colored or otherwise treated so as to
29 impart to them an artificial color;
- 30 p. Use any animal, reptile, or fowl for the purpose of soliciting any
31 alms, collections, contributions, subscriptions, donations, or payment
32 of money except in connection with exhibitions, shows or
33 performances conducted in a bona fide manner by recognized breeders'
34 associations, 4-H clubs or other similar bona fide organizations;
- 35 q. Sell or offer for sale, barter, or give away living rabbits, turtles,
36 baby chicks, ducklings or other fowl under two months of age, for use
37 as household or domestic pets;
- 38 r. Sell, offer for sale, barter or give away living baby chicks,
39 ducklings or other fowl, or rabbits, turtles or chameleons under two
40 months of age for any purpose not prohibited by subsection q. of this
41 section and who shall fail to provide proper facilities for the care of
42 such animals;
- 43 s. Artificially mark sheep or cattle, or cause them to be marked, by
44 cropping or cutting off both ears, cropping or cutting either ear more
45 than one inch from the tip end thereof, or half cropping or cutting both
46 ears or either ear more than one inch from the tip end thereof, or who

1 shall have or keep in the person's possession sheep or cattle, which the
2 person claims to own, marked contrary to this subsection unless they
3 were bought in market or of a stranger;

4 t. Abandon a domesticated animal;

5 u. For amusement or gain, cause, allow, or permit the fighting or
6 baiting of a living animal or creature;

7 v. Own, possess, keep, train, promote, purchase, or knowingly sell
8 a living animal or creature for the purpose of fighting or baiting that
9 animal or creature;

10 w. Gamble on the outcome of a fight involving a living animal or
11 creature;

12 x. Knowingly sell or barter or offer for sale or barter, at wholesale
13 or retail, the fur or hair of a domestic dog or cat or any product made
14 in whole or in part from the fur or hair of a domestic dog or cat, unless
15 such fur or hair for sale or barter is from a commercial grooming
16 establishment or a veterinary office or clinic or is for use for scientific
17 research;

18 y. Knowingly sell or barter or offer for sale or barter, at wholesale
19 or retail, for human consumption, the flesh of a domestic dog or cat or
20 any product made in whole or in part from the flesh of a domestic dog
21 or cat;

22 z. Surgically debark or silence a dog in violation of section 1 or 2
23 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

24 aa. Use a live pigeon, fowl or other bird for the purpose of a
25 target, or to be shot at either for amusement or as a test of skill in
26 marksmanship, except that this subsection and subsections bb. and cc.
27 shall not apply to the shooting of game;

28 bb. Shoot at a bird used as described in subsection aa. of this
29 section, or is a party to such shooting; or

30 cc. Lease a building, room, field or premises, or knowingly permit
31 the use thereof for the purposes of subsection aa. or bb. of this section
32 --

33 Shall forfeit and pay a sum according to the following schedule, to
34 be sued for and recovered, with costs, in a civil action by any person
35 in the name of the New Jersey Society for the Prevention of Cruelty
36 to Animals or a county society for the prevention of cruelty to animals,
37 as appropriate ², or, in the name of the municipality if brought by a
38 certified animal control officer or animal cruelty investigator ² :

39 For a violation of subsection e., f., g., u., v., w., or z. of this section
40 or of paragraph (3) of subsection a. of this section, or for a second or
41 subsequent violation of paragraph (2) of subsection a. of this section,
42 a sum of ²[up to] not less than \$3,000 nor more than ² \$5,000;

43 For a violation of subsection l. of this section or for a first violation
44 of paragraph (2) of subsection a. of this section, a sum of ²[up to] not
45 less than \$1,000 nor more than ² \$3,000;

46 For a violation of subsection x. or y. of this section, a sum of ²[up

1 to] not less than \$500 nor more than² \$1,000 for each domestic dog
2 or cat fur or fur or hair product or domestic dog or cat carcass or meat
3 product;

4 For a violation of subsection t. of this section, a sum of not less
5 than \$500 nor more than \$1,000, but if the violation occurs on or near
6 a highway, a mandatory sum of \$1,000;

7 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this
8 section or of paragraph (1) of subsection a. of this section, a sum of
9 ²[up to] not less than \$250 nor more than² \$1,000; and

10 For a violation of subsection i., m., n., o., p., q., r., or s. of this
11 section, a sum of ²[up to] not less than \$250 nor more than² \$500.]⁴
12 (cf: P.L.2003, c.232, s.3)

13

14 ⁴16. R.S.4:22-26 is amended to read as follows:

15 4:22-26. A person who shall:

16 a. (1) Overdrive, overload, drive when overloaded, overwork,
17 deprive of necessary sustenance, abuse, or needlessly kill a living
18 animal or creature, or cause or procure, by any direct or indirect
19 means, including but not limited to through the use of another living
20 animal or creature, any such acts to be done;

21 (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly
22 beat, or needlessly mutilate a living animal or creature, or cause or
23 procure, by any direct or indirect means, including but not limited to
24 through the use of another living animal or creature, any such acts to
25 be done;

26 (3) Cruelly kill, or cause or procure, by any direct or indirect
27 means, including but not limited to through the use of another living
28 animal or creature, the cruel killing of, a living animal or creature, or
29 otherwise cause or procure, by any direct or indirect means, including
30 but not limited to through the use of another living animal or creature,
31 the death of a living animal or creature from commission of any act
32 described in paragraph (2) of this subsection;

33 b. (Deleted by amendment, P.L.2003, c.232).

34 c. Inflict unnecessary cruelty upon a living animal or creature, by
35 any direct or indirect means, including but not limited to through the
36 use of another living animal or creature; or unnecessarily fail to
37 provide a living animal or creature of which the person has charge
38 either as an owner or otherwise with proper food, drink, shelter or
39 protection from the weather; or leave it unattended in a vehicle under
40 inhumane conditions adverse to the health or welfare of the living
41 animal or creature;

42 d. Receive or offer for sale a horse that is suffering from abuse or
43 neglect, or which by reason of disability, disease, abuse or lameness,
44 or any other cause, could not be worked, ridden or otherwise used for
45 show, exhibition or recreational purposes, or kept as a domestic pet
46 without violating the provisions of this article;

- 1 e. Keep, use, be connected with or interested in the management
- 2 of, or receive money or other consideration for the admission of a
- 3 person to, a place kept or used for the purpose of fighting or baiting
- 4 a living animal or creature;
- 5 f. Be present and witness, pay admission to, encourage, aid or
- 6 assist in an activity enumerated in subsection e. of this section;
- 7 g. Permit or suffer a place owned or controlled by him to be used
- 8 as provided in subsection e. of this section;
- 9 h. Carry, or cause to be carried, a living animal or creature in or
- 10 upon a vehicle or otherwise, in a cruel or inhumane manner;
- 11 i. Use a dog or dogs for the purpose of drawing or helping to
- 12 draw a vehicle for business purposes;
- 13 j. Impound or confine or cause to be impounded or confined in
- 14 a pound or other place a living animal or creature, and shall fail to
- 15 supply it during such confinement with a sufficient quantity of good
- 16 and wholesome food and water;
- 17 k. Abandon a maimed, sick, infirm or disabled animal or creature
- 18 to die in a public place;
- 19 l. Willfully sell, or offer to sell, use, expose, or cause or permit
- 20 to be sold or offered for sale, used or exposed, a horse or other animal
- 21 having the disease known as glanders or farcy, or other contagious or
- 22 infectious disease dangerous to the health or life of human beings or
- 23 animals, or who shall, when any such disease is beyond recovery,
- 24 refuse, upon demand, to deprive the animal of life;
- 25 m. Own, operate, manage or conduct a roadside stand or market
- 26 for the sale of merchandise along a public street or highway; or a
- 27 shopping mall, or a part of the premises thereof; and keep a living
- 28 animal or creature confined, or allowed to roam in an area whether or
- 29 not the area is enclosed, on these premises as an exhibit; except that
- 30 this subsection shall not be applicable to: a pet shop licensed pursuant
- 31 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an
- 32 animal, in a humane manner, for the purpose of the protection of the
- 33 premises; or a recognized breeders' association, a 4-H club, an
- 34 educational agricultural program, an equestrian team, a humane
- 35 society or other similar charitable or nonprofit organization conducting
- 36 an exhibition, show or performance;
- 37 n. Keep or exhibit a wild animal at a roadside stand or market
- 38 located along a public street or highway of this State; a gasoline
- 39 station; or a shopping mall, or a part of the premises thereof;
- 40 o. Sell, offer for sale, barter or give away or display live baby
- 41 chicks, ducklings or other fowl or rabbits, turtles or chameleons which
- 42 have been dyed or artificially colored or otherwise treated so as to
- 43 impart to them an artificial color;
- 44 p. Use any animal, reptile, or fowl for the purpose of soliciting
- 45 any alms, collections, contributions, subscriptions, donations, or
- 46 payment of money except in connection with exhibitions, shows or

- 1 performances conducted in a bona fide manner by recognized breeders'
2 associations, 4-H clubs or other similar bona fide organizations;
- 3 q. Sell or offer for sale, barter, or give away living rabbits, turtles,
4 baby chicks, ducklings or other fowl under two months of age, for use
5 as household or domestic pets;
- 6 r. Sell, offer for sale, barter or give away living baby chicks,
7 ducklings or other fowl, or rabbits, turtles or chameleons under two
8 months of age for any purpose not prohibited by subsection q. of this
9 section and who shall fail to provide proper facilities for the care of
10 such animals;
- 11 s. Artificially mark sheep or cattle, or cause them to be marked,
12 by cropping or cutting off both ears, cropping or cutting either ear
13 more than one inch from the tip end thereof, or half cropping or
14 cutting both ears or either ear more than one inch from the tip end
15 thereof, or who shall have or keep in the person's possession sheep or
16 cattle, which the person claims to own, marked contrary to this
17 subsection unless they were bought in market or of a stranger;
- 18 t. Abandon a domesticated animal;
- 19 u. For amusement or gain, cause, allow, or permit the fighting or
20 baiting of a living animal or creature;
- 21 v. Own, possess, keep, train, promote, purchase, or knowingly
22 sell a living animal or creature for the purpose of fighting or baiting
23 that animal or creature;
- 24 w. Gamble on the outcome of a fight involving a living animal or
25 creature;
- 26 x. Knowingly sell or barter or offer for sale or barter, at wholesale
27 or retail, the fur or hair of a domestic dog or cat or any product made
28 in whole or in part from the fur or hair of a domestic dog or cat, unless
29 such fur or hair for sale or barter is from a commercial grooming
30 establishment or a veterinary office or clinic or is for use for scientific
31 research;
- 32 y. Knowingly sell or barter or offer for sale or barter, at wholesale
33 or retail, for human consumption, the flesh of a domestic dog or cat or
34 any product made in whole or in part from the flesh of a domestic dog
35 or cat;
- 36 z. Surgically debark or silence a dog in violation of section 1 or
37 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 38 aa. Use a live pigeon, fowl or other bird for the purpose of a
39 target, or to be shot at either for amusement or as a test of skill in
40 marksmanship, except that this subsection and subsections bb. and cc.
41 shall not apply to the shooting of game;
- 42 bb. Shoot at a bird used as described in subsection aa. of this
43 section, or is a party to such shooting; or
- 44 cc. Lease a building, room, field or premises, or knowingly permit
45 the use thereof for the purposes of subsection aa. or bb. of this
46 section --

1 Shall forfeit and pay a sum according to the following schedule, to
 2 be sued for and recovered, with costs, in a civil action by any person
 3 in the name of the New Jersey Society for the Prevention of Cruelty
 4 to Animals or a county society for the prevention of cruelty to animals,
 5 as appropriate, or, in the name of the municipality if brought by a
 6 certified animal control officer or animal cruelty investigator :

7 For a violation of subsection e., f., g., u., v., w., or z. of this section
 8 or of paragraph (3) of subsection a. of this section, or for a second or
 9 subsequent violation of paragraph (2) of subsection a. of this section,
 10 a sum of [up to] not less than \$3,000 nor more than \$5,000;

11 For a violation of subsection l. of this section or for a first violation
 12 of paragraph (2) of subsection a. of this section, a sum of [up to] not
 13 less than \$1,000 nor more than \$3,000;

14 For a violation of subsection x. or y. of this section, a sum of [up
 15 to] not less than \$500 nor more than \$1,000 for each domestic dog or
 16 cat fur or fur or hair product or domestic dog or cat carcass or meat
 17 product;

18 For a violation of subsection t. of this section, a sum of not less
 19 than \$500 nor more than \$1,000, but if the violation occurs on or near
 20 a highway, a mandatory sum of \$1,000;

21 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this
 22 section or of paragraph (1) of subsection a. of this section, a sum of
 23 [up to] not less than \$250 nor more than \$1,000; and

24 For a violation of subsection i., m., n., o., p., q., r., or s. of this
 25 section, a sum of [up to] not less than \$250 nor more than \$500.⁴
 26 (cf: P.L.2005, c.105, s.2)

27
 28 ⁴[³16.] 17.⁴ R.S.4:22-44 is amended to read as follows:

29 4:22-44. Any [member,] humane law enforcement officer [or
 30 agent] of the New Jersey Society for the Prevention of Cruelty to
 31 Animals or of a county society for the prevention of cruelty to animals,
 32 or any sheriff, undersheriff, constable, certified animal control officer
 33 who has been properly authorized pursuant to section 4 of P.L.1983,
 34 c.525 (C.4:19-15.16b) , or police officer may:

35 a. Make arrests for violations of this article;

36 b. Arrest without warrant any person found violating the provisions
 37 of this article in the presence of such [member,] humane law
 38 enforcement officer, [agent,] sheriff, undersheriff, constable, police
 39 officer or a certified animal control officer who has been properly
 40 authorized pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b),
 41 and take such person before the nearest judge or magistrate as
 42 provided in this article.³

43 (cf: P.L.1997, c.247, s.4)

44
 45 ⁴[³17.] 18.⁴ R.S.4:22-47 is amended to read as follows:

1 4:22-47. A sheriff, undersheriff, constable, police [,] officer,
 2 certified animal control officer who has been properly authorized
 3 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) , or [agent]
 4 humane law enforcement officer of the New Jersey Society for the
 5 Prevention of Cruelty to Animals or of a county society for the
 6 prevention of cruelty to animals , may enter any building or place
 7 where there is an exhibition of the fighting or baiting of a living animal
 8 or creature, where preparations are being made for such an exhibition,
 9 or where a violation otherwise of R.S.4:22-24 is occurring, arrest
 10 without warrant all persons there present, and take possession of all
 11 living animals or creatures engaged in fighting or there found and all
 12 implements or appliances used or to be used in such exhibition.³
 13 (cf: P.L.1997, c.247, s.6)

14
 15 ²[13.] ³[15.²] ⁴[18.³] 19.⁴ R.S.4:22-55 is amended to read as
 16 follows:

17 4:22-55. a. Except as provided pursuant to subsection b. of this
 18 section, all fines, penalties and moneys imposed and collected under
 19 the provisions of this article, shall be paid by the court or by the clerk
 20 or court officer receiving the fines, penalties or moneys, within thirty
 21 days and without demand, to (1) the [district (county)] county society
 22 for the prevention of cruelty to animals of the county where the fines,
 23 penalties or moneys were imposed and collected, if [one is in existence
 24 in that county, and if not, then to] the county society brought the
 25 action or it was brought on behalf of the county society, to be used by
 26 the county society in aid of the benevolent objects for which it was
 27 incorporated, or (2) in all other cases, the New Jersey Society for the
 28 Prevention of Cruelty to Animals, to be used by the State society in aid
 29 of the benevolent objects for which it was incorporated.

30 b. If an enforcement action for a violation of this article is brought
 31 primarily as a result of the discovery and investigation of the violation
 32 by a certified animal control officer, the fines, penalties or moneys
 33 collected shall be paid as follows: one half to the municipality in
 34 which the violation occurred ; and one half to the county society or to
 35 the New Jersey Society for the Prevention of Cruelty to Animals, as
 36 applicable to the particular enforcement action.

37 c. Any fines, penalties or moneys paid to a municipality or other
 38 entity pursuant to subsection b. of this section shall be allocated by the
 39 municipality or other entity to defray the cost of:

40 (1) enforcement of animal control, animal welfare and animal
 41 cruelty laws and ordinances within the municipality; and

42 (2) the training therefor required of certified animal control officers
 43 pursuant to law ⁴or other animal enforcement related training
 44 authorized by law for municipal employees⁴ .

45 (cf: P.L.1997, c.247, s.7)

1 ⁴20. Section 10 of P.L.1997, c.247 (C.4:22-56) is amended to read
2 as follows:

3 10. Although a municipality and the New Jersey Society for the
4 Prevention of Cruelty to Animals or a [district (county)] county
5 society may share in the receipt of fines, penalties or moneys collected
6 with regard to violations occurring in the municipality pursuant to the
7 provisions of R.S.4:22-55:

8 a. neither a municipality or a certified animal control officer shall
9 be liable for any civil damages as a result of any act or omission of the
10 New Jersey Society for the Prevention of Cruelty to Animals, a
11 [district (county)] county society or an officer thereof with regard to
12 any investigation, arrest or prosecution of a violator with which the
13 municipality or certified animal control officer was not involved; and

14 b. neither the New Jersey Society for the Prevention of Cruelty to
15 Animals, a [district (county)] county society or an officer thereof shall
16 be liable for any civil damages as a result of any act or omission of a
17 municipality or a certified animal control officer with regard to any
18 investigation, arrest or prosecution of a violator with which the New
19 Jersey Society for the Prevention of Cruelty to Animals, a [district
20 (county)] county society or an officer thereof was not involved.⁴

21 (cf: P.L.1997, c.247, s.10)

22
23 ⁴21. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read
24 as follows:

25 3. a. For the purposes of establishing the list of persons not
26 eligible to be certified animal control officers as required pursuant to
27 subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a),
28 notice shall be provided, within 90 days after the effective date of this
29 section, to the Commissioner of Health and Senior Services of any
30 person who has been convicted of, or found civilly liable for, a
31 violation of any provision of chapter 22 of Title 4 of the Revised
32 Statutes, by any court or other official administrative entity
33 maintaining records of such violations adjudged on or before the
34 effective date of this section.

35 b. For the purposes of maintaining the list of persons not eligible
36 to be certified animal control officers as established pursuant to
37 subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a),
38 the court or other official adjudging the guilt or liability for a violation
39 of any provision of chapter 22 of Title 4 of the Revised Statutes, shall
40 charge the prosecutor, officer of the New Jersey Society for the
41 Prevention of Cruelty to Animals or the [district (county)] county
42 society for the prevention of cruelty to animals, or other appropriate
43 person, other than a certified animal control officer, with the
44 responsibility to notify within 30 days the commissioner, in writing, of
45 the full name of the person found guilty of, or liable for, an applicable
46 violation, and the violation for which or of which that person was

1 found guilty or liable, and the person charged with the responsibility
2 shall provide such notice.⁴

3 (cf: P.L.2003, c.67, s.3)

4

5 ²[14.] ³[16.²] ⁴[19.³] 20.⁴ R.S.4:22-1 through R.S.4:22-11,
6 inclusive, ³[and] ³R.S.4:22-14 ³and R.S.4:22-43³ are repealed.

7

8 ²[15.] ³[17.²] ⁴[20.³] 21.⁴ This act shall take effect immediately.